

## DETAILED ACTION

### *Claim Objections*

1. Claims **1 and 12** are objected to because of the following informalities:

Regarding claims **1 and 12**, there is no antecedent basis for the limitation of “the image capture device”. The examiner respectfully suggests that applicant delete “the image capture device” and substitute it with --an image capture device--.

Regarding claim **11**, there is no antecedent basis for the limitations of “the period” or “the next successive reading”. The examiner respectfully suggests that the applicant delete “the period” and substitute it with “a period” and further delete “the next successive reading” and substitute it with --a next successive reading--.

Further regarding claim **11**, the examiner respectfully suggests that the applicant delete “image-sending” and substitute it with --image-sensing--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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a) Claims **1-5 and 7-11**, drawn to an apparatus and related method claim **12**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kawaoka et al. (US 7,158,172).

Regarding claims **1-5** and **7-12**, Kawaoka et al. discloses a communication terminal comprising:

a transceiver (Fig 2, item 80: *transmission section*) arranged to discontinuously transmit data representing a picture captured from the image sensing regions (Col 6, lines 21-23) from the terminal (Col 16, lines 27-31) wirelessly by radio (Fig 1 and Col 5, line 48);

a CCD image sensor (Fig 2, item 30: *CCD*) comprising a plurality of image-sensing regions (See Col 9, line 27: "*number of pixels*" and Col 6, line 30: "*each sensor element of the CCD*" where each sensor element (pixel) represents a region),

each image-sensing region being capable of being reset (See Col 6, lines 41-44 where the sensors are drained (reset) prior to being charged), and

subsequently being read to provide data indicative of light incident on the image-sensing region since it was last reset (Col 6, lines 32-35); and

image capture (Fig 2, item 32: *capture-signal processor*) means arranged to capture image data from each of the image-sensing regions by resetting and subsequently reading the image-sensing regions (Col 6, lines 45-52), and

being arranged to, when the transceiver is in operation for discontinuous data transmission, reset and/or read at least some (all) of the image-sensing regions only when the transceiver is not transmitting data from the terminal (Col 16, lines 27-31); and

the terminal being such that the transceiver is capable of transmitting data from the terminal during the period between the image capture means resetting the image-sensing regions and the next successive reading of the image-sending regions (See Fig 11 and Col 15, lines 37-43).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaoka et al. (US 7,158,172) in view of Knowles (US 7,173,651).

Regarding claim **6**, Kawaoka et al. discloses all the limitations of claim **1**.

Kawaoka et al. suggests that "the digital camera with an automatic image transmission function 10 may be an electronic device having a combination of an image capturing function and a signal transmission function, such as a portable phone terminal with a digital camera 16" (Fig 6 and Col 6, lines 1-5).

Kawaoka et al. does not specifically teach wherein the transceiver is arranged to transmit data from the terminal according to a TDMA protocol.

Knowles discloses wherein the transceiver is arranged to transmit data from the terminal according to a TDMA protocol (Fig 1 and Col 6, lines 34-46).

Therefore, it would have been obvious to one of ordinary skill in art at the time of the invention, to implement the invention of Kawaoka et al. using a TDMA protocol as one of the well known types of multiplexed data transmission available to designers of wireless transceivers at the time.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Andler whose telephone number is (571) 270-5385. The examiner can normally be reached on Monday-Friday 7:30 AM to 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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